



*State of California*

# LITTLE HOOVER COMMISSION

**FOR IMMEDIATE RELEASE  
May 30, 2013**

Jonathan Shapiro  
*Chairman*

David A. Schwarz  
*Vice Chairman*

Katcho Achadjian  
*Assemblymember*

Virginia Ellis

Bill Emmerson  
*Senator*

Jack Flanigan

Loren Kaye

Pedro Nava

Tom Quinn

Anthony Rendon  
*Assemblymember*

Richard Roth  
*Senator*

Sumi Sousa

Stuart Drown  
*Executive Director*

**For Additional Information Contact:  
Stuart Drown  
Executive Director  
(916) 445-2125**

## Commission Spotlights Jail Overcrowding

A Little Hoover Commission review of county jail populations finds that county sheriffs, not judges, increasingly are making bail and sentencing decisions. Done as a means to manage to jail overcrowding, this trend threatens to weaken local judicial authority, undermine public confidence in the judicial system, and raises serious questions regarding due process and the separation of powers. The study also finds need for evidence-based practices to safely reduce large pre-trial populations that account for a majority of jail detainees.

The Commission, in a letter to Governor Brown and the Legislature as part of its ongoing commitment to public safety oversight, documents evolving consequences of jail crowding. Counties have wrestled with jail overcrowding for years, but new offender populations created by the state's realignment strategy is exacerbating the problem. Under realignment, responsibility for low-level felony offenders has been shifted from the state to local criminal justice systems. The letter contains four recommendations to ease population pressures and ensure that realignment achieves its broader policy goals of increasing community alternatives to incarceration.

"Individuals who are arrested and presumed innocent, and the community at large, which is entitled to have its safety protected, have the right to expect that impartial, independent, and informed judges will determine who and under what conditions bail will be granted and sentences served," Commission Chair Jonathan Shapiro said. "Current jail overcrowding, however, has forced sheriffs of the executive branch into the untenable position of making decisions traditionally made by members of the judicial branch of government. This unintended consequence of overcrowding threatens to make California's criminal justice system less reliable, less transparent, and less accountable."

The letter to the Governor and the Legislature and documents from public hearings held as part of the review, including agendas and written testimony submitted by witnesses, are available on the Commission's website at [www.lhc.ca.gov](http://www.lhc.ca.gov).